

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

SAMUEL DODSON,
Plaintiff,
vs.
STATE OF NEVADA, ex rel.
OF CORRECTIONS, et al.,
Defendant.

2:13-cv-00787-JCM-VCF
ORDER DENYING MOTION TO STRIKE
(#39)

Before the court is Defendant State of Nevada's Motion to Strike Plaintiff's January 6, 2016 Filing (#39).

On August 3, 2015, this court granted defendants' motion to dismiss (#28) and ordered the case closed. Judgment in favor of defendants was entered (#34). On October 5, 2015, plaintiff filed a motion for reconsideration (#35). Defendants filed a timely opposition (#36). On January 6, 2016, plaintiff filed a document styled, "notice of motion / plaintiff's opposition to defendants' motion to dismiss plaintiff's amended complaint." The clerk docketed this same document twice: (#37) described as MOTION to Reopen Case and (#38) SUPPLEMENTAL RESPONSE to (#28) Motion to Dismiss.

Defendants now move to strike the filing docketed as (#37 & #38). Defendants interpret this filing as a reply in support of the motion for reconsideration (#35). Based on this interpretation, defendants argue that the filing must be stricken, because it is untimely. They also argue that it should be stricken as a redundant or duplicative motion on the same issue.

Plaintiff argues that he has had difficulty filing papers timely because of his changing locations and conditions of incarceration. On this basis, he requests extension of the time to reply in support of this motion for reconsideration.

1 Defendants have not demonstrated good cause to strike the filing at issue. When the motion for
2 reconsideration (#35) is decided, defendants will not be prejudiced if the court considers the arguments in
3 the challenged pleadings. The changes in conditions of incarceration described by plaintiff establish good
4 cause to permit the late filing of his reply.

5 Accordingly,

6 IT IS HEREBY ORDERED that Defendants' Motion to Strike Motion to Reopen Case and
7 Supplemental Response (#39) is DENIED.

8 DATED this 25th day of February, 2016.



9
10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25